

IN THE SENATE

SENATE BILL NO. 1098

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO OFF-HIGHWAY VEHICLES; AMENDING SECTION 41-2502, IDAHO CODE, TO PROVIDE EXCEPTIONS TO UNINSURED MOTORIST AND UNDERINSURED MOTORIST COVERAGE FOR AUTOMOBILE INSURANCE; AMENDING SECTION 49-102, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-120, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 49-122, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-123, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-302, IDAHO CODE, TO PROVIDE AN ADDITIONAL EXEMPTION FROM LICENSURE; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE WHERE THE OPERATION OF CERTAIN VEHICLES REQUIRES A RESTRICTED VEHICLE LICENSE PLATE FEE TO BE PAID, TO PROVIDE A CERTAIN EXEMPTION TO APPLY TO SPECIALTY OFF-HIGHWAY VEHICLES USED FOR SPECIFIED PURPOSES, TO PERMIT NONRESIDENTS TO PURCHASE A RESTRICTED VEHICLE PLATE AND STICKER FOR CERTAIN VEHICLES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-426, IDAHO CODE, TO PROVIDE A CERTAIN LICENSURE EXEMPTION TO SPECIALTY OFF-HIGHWAY VEHICLES, TO REQUIRE SPECIALTY OFF-HIGHWAY VEHICLES USED FOR A CERTAIN PURPOSE TO MEET CERTAIN EMBLEM REQUIREMENTS, TO PERMIT POLITICAL SUBDIVISIONS TO MAKE CERTAIN DESIGNATIONS BY RESOLUTION, TO APPLY CERTAIN ROAD CLOSURE PROVISIONS TO SPECIALTY OFF-HIGHWAY VEHICLES, TO REMOVE CERTAIN VEHICLES FROM HIGHWAY CLOSURE RESTRICTIONS, TO PROVIDE FOR THE APPLICATION OF CERTAIN EXISTING AND ADDITIONAL IDAHO CODE CHAPTERS TO THE OPERATION OF CERTAIN VEHICLES, TO PROHIBIT THE OPERATION OF SPECIALTY OFF-HIGHWAY VEHICLES ON CONTROLLED ACCESS HIGHWAYS, TO REMOVE CERTAIN VEHICLES FROM THE APPLICATION OF CERTAIN IDAHO CODE CHAPTERS, TO REVISE THE VEHICLES THAT THE IDAHO TRANSPORTATION BOARD MAY PERMIT TO CROSS DESIGNATED SECTIONS OF STATE HIGHWAYS, TO REMOVE A LICENSING REQUIREMENT FOR CERTAIN VEHICLES THAT MAY BE USED ON CERTAIN LANDS AND TO REVISE THE VEHICLES THAT MAY BE USED ON CERTAIN LANDS; AMENDING SECTION 49-456, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE UNLAWFUL CERTAIN OPERATION OF SPECIALTY OFF-HIGHWAY VEHICLES; AMENDING SECTION 49-948, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 67-7105, IDAHO CODE, TO PROVIDE ADDITIONAL VEHICLES THAT ARE EXEMPT FROM CERTAIN CHAPTER PROVISIONS; AMENDING SECTION 67-7114, IDAHO CODE, TO PROVIDE CRIMINAL PENALTY FOR THE DRIVING

OR OPERATION OF A SPECIALTY OFF-HIGHWAY VEHICLE UNDER CERTAIN INFLUENCES, TO REMOVE AN IDAHO CODE REFERENCE AND TO REVISE TERMINOLOGY; AMENDING SECTION 67-7122, IDAHO CODE, TO PROVIDE FOR REGISTRATION OF A SPECIALTY OFF-HIGHWAY VEHICLE, TO REVISE TERMINOLOGY, TO REVISE WITH WHOM REGISTRATION MUST BE MADE, TO REVISE A REGISTRATION FEE, TO PROVIDE AN EFFECTIVE DATE FOR THE REVISED REGISTRATION FEE, TO REVISE WHO MAY RETAIN A PORTION OF THE REGISTRATION FEE, TO PROVIDE WHEN CERTAIN VEHICLES MUST BE REGISTERED, TO PROVIDE FOR THE PLACEMENT OF A REGISTRATION STICKER ON CERTAIN VEHICLES, TO PROVIDE EXCEPTIONS TO A RESTRICTED VEHICLE LICENSE PLATE REQUIREMENT AND TO PERMIT NONRESIDENTS TO PURCHASE A RESTRICTED VEHICLE LICENSE PLATE AND/OR STICKER FOR CERTAIN VEHICLES; AMENDING SECTION 67-7124, IDAHO CODE, TO REMOVE A TIME REQUIREMENT FOR REGISTRATION OF CERTAIN VEHICLES BY NONRESIDENT OWNERS, TO PROVIDE FOR NONAPPLICATION OF REGISTRATION REQUIREMENTS FOR THE OWNERS OF CERTAIN VEHICLES THAT ARE CURRENTLY AND PROPERLY REGISTERED IN THE STATE OF RESIDENCE, TO REQUIRE THE NONRESIDENT OWNERS OF CERTAIN VEHICLES FROM STATES WITHOUT A REGISTRATION REQUIREMENT TO REGISTER IN IDAHO BEFORE OPERATING THE VEHICLE IN IDAHO, TO PROVIDE USE PRIVILEGES AND RESPONSIBILITIES TO NONRESIDENT OWNERS OF CERTAIN VEHICLES REGISTERED IN ANOTHER STATE; AMENDING SECTION 67-7126, IDAHO CODE, TO REVISE A REGISTRATION FEE AMOUNT AND THE ALLOCATION OF THE FEE AND TO RESTRICT LIABILITY OF CERTAIN ENTITIES AND EMPLOYEES REGARDING THE USE OF SUCH FEES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-2502, Idaho Code, be, and the same is hereby amended to read as follows:

41-2502. UNINSURED MOTORIST AND UNDERINSURED MOTORIST COVERAGE FOR AUTOMOBILE INSURANCE – EXCEPTIONS. (1) Except as otherwise provided in subsection (2) of this section, no owner's or operator's policy of motor vehicle liability insurance that is subject to the requirements of section 49-1212(1) or (2), Idaho Code, shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death as set forth in section 49-117, Idaho Code, as amended from time to time, under provisions approved by the director of the department of insurance, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured and underinsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom.

(2) A named insured shall have the right to reject either or both uninsured motorist coverage or underinsured motorist coverage, which rejection must be in writing or in an electronic record as authorized by the uniform electronic transactions act, chapter 50, title 28,

Idaho Code, and such rejection shall be effective as to all other insureds and named insureds; and after which such rejected coverage need not be provided in or supplemental to a renewal or replacement policy issued by the same insurer or an affiliate of that insurer.

(3) Prior to the issuance of any new policy or the first renewal or replacement of any existing policy of motor vehicle liability insurance with an effective date on or after January 1, 2009, a named insured shall be provided a standard statement approved by the director of the department of insurance, explaining in summary form, both uninsured and underinsured motorist coverage, and the different forms of underinsured motorist coverage that might be available from insurers in Idaho.

(4) The provisions of this section shall not apply to policies of motor vehicle liability insurance for coverage on all-terrain vehicles, utility type vehicles, specialty off-highway vehicles or motorbikes as those terms are defined in section 67-7101, Idaho Code.

SECTION 2. That Section 49-102, Idaho Code, be, and the same is hereby amended to read as follows:

49-102. DEFINITIONS – A. (1) "Abandon" means to leave a vehicle on private property without the permission of the person having rights to the possession of the property, or on a highway or other property open to the public for the purposes of vehicular traffic or parking, or upon or within the right-of-way of any highway, for twenty-four (24) hours or longer.

(2) "Abandoned vehicle" means any vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of the property owner for a period of twenty-four (24) hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

(3) "Accident" means any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile or special mobile equipment.

(4) "Actual physical control" means being in the driver's position of a motor vehicle with the motor running or the vehicle moving.

(5) "Administrator" means the federal highway administrator, the chief executive of the federal highway administration, an agency within the U.S. department of transportation.

(6) "Age of a motor vehicle" means the age determined by subtracting the manufacturer's year designation of the vehicle from the year in which the designated registration fee is paid. If the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or if a vehicle has a manufacturer's year designation later than the year in which the fee is paid, the vehicle shall be deemed to be one (1) year old.

(7) "Air-conditioning equipment" means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(8) "Alcohol or alcoholic beverage" means:

(a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Revenue Code;

(b) Wine of not less than one-half of one percent (.005%) of alcohol by volume; or

(c) Distilled spirits as defined in section 5002(a)(8), of the Internal Revenue Code.

(9) "Alley" means a public way of limited use intended only to provide access to the rear or side of lots or buildings in urban districts.

(10) "All-terrain vehicle" or "ATV" means any recreation vehicle with three (3) or more tires, weighing under nine hundred (900) pounds, fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, ~~traveling on low pressure tires of ten (10) psi or less~~, has handlebar steering and a seat designed to be straddled by the operator.

(11) "Amateur radio operator." (See "Radio operator, amateur," section 49-119, Idaho Code)

(12) "Ambulance" means a motor vehicle designed and used primarily for the transportation of injured, sick, or deceased persons, on stretchers, cots, beds, or other devices for carrying persons in a prone position.

(13) "Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a driver's license.

(14) "Approved driver training course" means a training course from a school licensed under the provisions of chapter 21 of this title or a driver training course approved by another United States jurisdiction provided the course was taken while an individual was a resident of that United States jurisdiction.

(15) "Approved testing agency" means a person, firm, association, partnership or corporation approved by the director of the Idaho state police which is:

(a) In the business of testing equipment and systems;

(b) Recognized by the director as being qualified and equipped to do experimental testing; and

(c) Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry.

(16) "Armed forces" means the army, navy, marine corps, coast guard and the air force of the United States.

(17) "Authorized emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

(18) "Authorized officer" means any member of the Idaho state police, or any regularly employed and salaried deputy sheriff, or other county employee designated to perform the function of removing abandoned vehicles or junk vehicles by the board of county commissioners of the county in which a vehicle is located, or any regularly employed and salaried city peace officer or other city employee designated to perform the function of removing abandoned vehicles or junk vehicles by the city council, or a qualified person deputized or appointed by the proper authority as reserve deputy sheriff or city policeman, authorized within the jurisdiction in which the abandoned vehicle or junk vehicle is located.

(19) "Authorized transportation department employee" means any employee appointed by the board to perform duties relating to enforcement of vehicle laws as have been specifically defined and approved by order of the board (see section 40-510, Idaho Code).

(20) "Auto transporter" means a vehicle combination constructed for the purpose of transporting vehicles.

SECTION 3. That Section 49-120, Idaho Code, be, and the same is hereby amended to read as follows:

49-120. DEFINITIONS – S. (1) "Saddlemount combination" means a combination of vehicles in which a truck or truck tractor tows one (1), two (2) or three (3) trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. A

1 smaller vehicle mounted completely on the frame of either the first or last vehicle may be used  
2 in a saddlemount combination.

3 (2) "Safety glazing materials" means glazing materials so constructed, treated or  
4 combined with other materials as to reduce substantially, in comparison with ordinary sheet  
5 glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by  
6 these safety glazing materials when they may be cracked or broken.

7 (3) "Safety zone" means the area or space officially set apart within a highway for the  
8 exclusive use of pedestrians and which is protected or is so marked or indicated by adequate  
9 signs as to be plainly visible at all times while set apart as a safety zone.

10 (4) "Salvage pool" means a licensed vehicle dealer engaged primarily in the business of  
11 disposing of salvage vehicles, recovered stolen vehicles, or both.

12 (5) "School bus" means every motor vehicle that complies with the color and  
13 identification requirements set forth in the most recent edition of "Minimum Standards for  
14 School Buses" and is used to transport children to or from school or in connection with school  
15 approved activities and includes buses operated by contract carriers.

16 (6) "Secretary" means the secretary of transportation of the United States.

17 (7) "Security agreement." (See section 28-9-102, Idaho Code)

18 (8) "Security interest." (See section 28-1-201, Idaho Code)

19 (9) "Sell," "sold," "buy," and "purchase," mean and include, as used in sections 49-2401  
20 through 49-2406, Idaho Code, exchange, barter, gift, and offer or contract to sell or buy.

21 (10) "Semitrailer." (See "Trailer," section 49-121, Idaho Code)

22 (11) "Serious traffic violation" means conviction of an offense specified in 49 CFR part  
23 383 and including any subsequent amendments thereto, while operating a commercial motor  
24 vehicle, and shall include driving a commercial motor vehicle:

25 (a) Without obtaining a commercial driver's license; or

26 (b) Without having a commercial driver's license in the driver's possession; or

27 (c) Without the proper license class of commercial driver's license or endorsements for  
28 the specific vehicle group being operated or for the passengers or type of cargo being  
29 transported.

30 (12) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines  
31 of a roadway, and the adjacent property lines intended for use by pedestrians.

32 (13) "Signal." (See "Railroad sign," section 49-119, Idaho Code)

33 (14) "Skills test" means an actual demonstration of ability to exercise ordinary and  
34 reasonable control in the operation of a motor vehicle.

35 (15) "Slow moving vehicle" means any vehicle not normally operated upon the highways.

36 (16) "Snow tire." (See "Tires," section 49-121, Idaho Code)

37 (17) "Sold." (See "Sell," "buy," and "purchase," this section)

38 (18) "Solid rubber tire." (See "Tires," section 49-121, Idaho Code)

39 (19) "Special license plate" means a license plate that is made available to the public as a  
40 personal alternative to the standard issue license plate. No special program fee shall be charged  
41 for the registration or plates issued under sections 49-403, 49-403A, 49-404, 49-405, 49-410,  
42 49-415, 49-415A and 49-415B, Idaho Code.

43 (20) "Special mobile equipment" means every vehicle not designed or used primarily  
44 for the transportation of persons or property and only incidentally operated or moved over a  
45 highway, including: ditch-digging apparatus, well-boring apparatus and road construction and  
46 maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors

other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes, and earth moving equipment. The term does not include travel trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(21) "Specially constructed vehicle." (See "Vehicle," section 49-123, Idaho Code)

(22) "Specialty off-highway vehicle." (See "Vehicle," section 49-123, Idaho Code)

(23) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(24) "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

(25) "Stop" means the act of or complete cessation from movement.

(26) "Stopping" means the act of any halting even momentarily of a vehicle.

(27) "Street." (See "Highways," section 49-109, Idaho Code)

(28) "Street rod" means any pre-1949 vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be, or resemble the same as the manufacturer's original issue after its first sale after manufacture.

(29) "Studded tire." (See "Tires," section 49-121, Idaho Code)

(30) "Substandard width lane" means a lane that is too narrow for a bicycle and a motor vehicle to travel safely side by side within the lane.

(31) "Supplemental lot" means a physically separate location owned and maintained by a licensed dealer or manufacturer within the same or adjacent county as the principal place of business which meets all the requirements for a principal place of business.

(32) "Suspension of driver's license" means the temporary withdrawal by formal action of the department or as otherwise provided in this title of a person's driver's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department.

(33) "Suspension of vehicle registration" means the temporary withdrawal by formal action of the department or as otherwise provided in this title of a person's vehicle registration or, in the case of fleets of vehicles, all vehicle registrations in each fleet operated by a company. Upon suspension, the privileges of operating the vehicle or vehicles on Idaho highways is terminated until the difficulty that caused the suspension is corrected and notification is provided that the suspension has been lifted.

SECTION 4. That Section 49-122, Idaho Code, be, and the same is hereby amended to read as follows:

49-122. DEFINITIONS – U. (1) "Unauthorized vehicle" means any vehicle parked or otherwise left on private property without the consent of the person owning or controlling that property.

(2) "United States" means the fifty (50) states and the District of Columbia.

(3) "Unladen weight." (See "Light weight," section 49-113, Idaho Code)

(4) "Unregistered vehicle" means a vehicle without current registration on file with the department or with the appropriate agency of another state, unless exempt from registration.

(5) "Unusual noise." (See "Excessive," section 49-106, Idaho Code)

(6) "Urban district." (See "District," section 49-105, Idaho Code)

(7) "Utility trailer" means a trailer or semitrailer designed primarily to be drawn behind a passenger car or pickup truck for domestic and utility purposes. Utility or domestic use shall include a farm trailer while being used to haul agricultural products or livestock from farm to storage, market or processing plant, or returning therefrom.

(8) "Utility type vehicle (UTV)" means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in section 67-7101, Idaho Code, designed for and capable of travel over designated ~~unpaved~~ roads, traveling on four (4) or more ~~low-pressure~~ tires ~~of twenty (20) psi or less~~, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, ~~or~~ and having a wheelbase of ~~ninety-four~~ one hundred ten (94110) inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in section 49-110(2), Idaho Code, or vehicles otherwise registered under title 49, Idaho Code.

SECTION 5. That Section 49-123, Idaho Code, be, and the same is hereby amended to read as follows:

49-123. DEFINITIONS – V. (1) "Variable load suspension axle" means an axle or axles designed to support a part of the vehicle and load and which can be regulated to vary the amount of load supported by such an axle or axles and which can be deployed or lifted by the operator of the vehicle. See also section 49-117, Idaho Code.

(a) "Fully raised" means that the variable load suspension axle is in an elevated position preventing the tires on such axle from having any contact with the roadway.

(b) "Fully deployed" means that the variable load suspension axle is supporting a portion of the weight of the loaded vehicle as controlled by the preset pressure regulator valve.

(2) "Vehicle" means:

(a) General. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(b) Authorized emergency vehicle. Vehicles operated by any fire department or law enforcement agency of the state of Idaho or any political subdivision of the state, ambulances, vehicles belonging to personnel of voluntary fire departments while in performance of official duties only, vehicles belonging to, or operated by EMS personnel certified or otherwise recognized by the EMS bureau of the Idaho department of health and welfare while in the performance of emergency medical services, sheriff's search and rescue vehicles which are under the immediate supervision of the county sheriff, wreckers which are engaged in motor vehicle recovery operations and are blocking part or all of one (1) or more lanes of traffic, other emergency vehicles designated by the director of the Idaho state police or vehicles authorized by the Idaho transportation board and used in the enforcement of laws specified in section 40-510, Idaho Code, pertaining to vehicles of ten thousand (10,000) pounds or greater.

(c) Commercial vehicle or commercial motor vehicle. For the purposes of chapters 3 and 9 of this title, driver's licenses and vehicle equipment, a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

~~1.~~(i) Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or

~~2.~~(ii) Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or

~~3.~~(iii) Is designed to transport sixteen (16) or more people, including the driver; or

~~4.~~(iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 CFR part 172, subpart F).

For the purposes of chapter 4, title 49, Idaho Code, motor vehicle registration, a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or profit, or the transportation of property for the owner of the vehicle, or for hire, compensation, or profit, and shall include fixed load specially constructed vehicles exceeding the limits imposed by chapter 10, title 49, Idaho Code, and including drilling rigs, construction, drilling and wrecker cranes, log jammers, log loaders, and similar vehicles which are normally operated in an overweight or oversize condition or both, but shall not include those vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code, or exempted by section 49-426, Idaho Code. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

(d) Farm vehicle. A vehicle or combination of vehicles owned by a farmer or rancher, which are operated over public highways, and used exclusively to transport unprocessed agricultural, dairy or livestock products raised, owned and grown by the owner of the vehicle to market or place of storage; and shall include the transportation by the farmer or rancher of any equipment, supplies or products purchased by that farmer or rancher for his own use, and used in the farming or ranching operation or used by a farmer partly in transporting agricultural products or livestock from the farm of another farmer that were originally grown or raised on the farm, or when used partly in transporting agricultural supplies, equipment, materials or livestock to the farm of another farmer for use or consumption on the farm but not transported for hire, and shall not include vehicles of husbandry or vehicles registered pursuant to sections 49-402 and 49-402A, Idaho Code.

(e) Foreign vehicle. Every vehicle of a type required to be registered under the provisions of this title brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(f) Glider kit vehicle. Every large truck manufactured from a kit manufactured by a manufacturer of large trucks which consists of a frame, cab complete with wiring, instruments, fenders and hood and front axles and wheels. The "glider kit" is made into a complete assembly by the addition of the engine, transmission, rear axles, wheels and tires.

(g) Motor vehicle. Every vehicle which is self-propelled, and for the purpose of titling and registration meets federal motor vehicle safety standards as defined in section 49-107, Idaho Code. Motor vehicle does not include vehicles moved solely by human power,



1 electric personal assistive mobility devices and motorized wheelchairs or other such  
 2 vehicles that are specifically exempt from titling or registration requirements under title  
 3 49, Idaho Code.

4 (h) Multipurpose passenger vehicle (MPV). For the purposes of section 49-966, Idaho  
 5 Code, a motor vehicle designed to carry ten (10) or fewer persons which is constructed  
 6 either on a truck chassis or with special features for occasional off-road operation.

7 (i) Neighborhood electric vehicle (NEV). A self-propelled, electrically-powered,  
 8 four-wheeled motor vehicle which is emission free and conforms to the definition and  
 9 requirements for low-speed vehicles as adopted in the federal motor vehicle safety  
 10 standards for low-speed vehicles under federal regulations at 49 CFR part 571. An  
 11 NEV shall be titled, registered and insured according to law as provided respectively in  
 12 chapters 4, 5 and 12, title 49, Idaho Code, and shall only be operated by a licensed driver.  
 13 Operation of an NEV on a highway shall be allowed as provided in section 49-663, Idaho  
 14 Code.

15 (j) Noncommercial vehicle. For the purposes of chapter 4, title 49, Idaho Code, motor  
 16 vehicle registration, a noncommercial vehicle shall not include those vehicles required  
 17 to be registered under sections 49-402 and 49-402A, Idaho Code, and means all other  
 18 vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles,  
 19 but shall include motor homes. A noncommercial vehicle shall include those vehicles  
 20 having a combined gross weight not in excess of sixty thousand (60,000) pounds and not  
 21 held out for hire, used for purposes related to private use and not used in the furtherance  
 22 of a business or occupation for compensation or profit or for transporting goods for other  
 23 than the owner.

24 (k) Passenger car. For the purposes of section 49-966, Idaho Code, a motor vehicle,  
 25 except a multipurpose passenger vehicle, motorcycle or trailer, designed to carry ten (10)  
 26 or fewer persons.

27 (l) Rebuilt salvage vehicle. Every vehicle that has been rebuilt or repaired using like  
 28 make and model parts and visually appears as a vehicle that was originally constructed  
 29 under a distinctive manufacturer. This includes a salvage vehicle which is damaged to the  
 30 extent that a "rebuilt salvage" brand is required to be added to the title.

31 (m) Reconstructed vehicles. Vehicles which have been reconstructed by the use of a  
 32 kit designed to be used to construct an exact replica of a vehicle which was previously  
 33 constructed under a distinctive name, make, model or type by a generally recognized  
 34 manufacturer of vehicles. A glider kit vehicle is not a reconstructed vehicle.

35 ~~(nn)~~ Replica vehicle. A vehicle made to replicate any passenger car or truck previously  
 36 manufactured, using metal, fiberglass or other composite materials. Replica vehicles must  
 37 look like the original vehicle being replicated but may use a more modern drive train.  
 38 At a minimum, replica vehicles shall meet the same federal motor vehicle safety and  
 39 emission standards in effect for the year and type of vehicle being replicated.

40 ~~(no)~~ Salvage vehicle. Any vehicle for which a salvage certificate, salvage bill of sale  
 41 or other documentation showing evidence that the vehicle has been declared salvage or  
 42 which has been damaged to the extent that the owner, or an insurer, or other person acting  
 43 on behalf of the owner, determines that the cost of parts and labor minus the salvage  
 44 value makes it uneconomical to repair or rebuild. When an insurance company has paid  
 45 money or has made other monetary settlement as compensation for a total loss of any  
 46 vehicle, such vehicle shall be considered to be a salvage vehicle.

~~(ep)~~ Specially constructed vehicle. Every vehicle of a type required to be registered not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction and cannot be visually identified as a vehicle produced by a particular manufacturer. This includes:

~~1.~~(i) A vehicle that has been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer; or

~~2.~~(ii) A vehicle that has been constructed entirely from homemade parts and materials not obtained from other vehicles; or

~~3.~~(iii) A vehicle that has been constructed by using major component parts from one (1) or more manufactured vehicles and cannot be identified as a specific make or model; or

~~4.~~(iv) A vehicle constructed by the use of a custom kit that cannot be visually identified as a specific make or model. All specially constructed vehicles of a type required to be registered shall be certified by the owner to meet all applicable federal motor vehicle safety standards in effect at the time construction is completed, and all requirements of chapter 9, title 49, Idaho Code.

(q) Specialty off-highway vehicle. A specialty off-highway vehicle as defined in section 67-7101, Idaho Code.

~~(pr)~~ Total loss vehicle. Every vehicle that is deemed to be uneconomical to repair. A total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to the owner when it is deemed to be uneconomical to repair the damaged vehicle. The compensation for total loss as defined herein shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental or for anything other than the amount paid for the actual damage to the vehicle.

(3) "Vehicle identification number." (See "Identifying number," section 49-110, Idaho Code)

(4) "Vehicle salesman" means any person who, for a salary, commission or compensation of any kind, is employed either directly or indirectly, or regularly or occasionally by any dealer to sell, purchase or exchange, or to negotiate for the sale, purchase or exchange of vehicles. (See also "full-time salesman," section 49-107, Idaho Code, and "part-time salesman," section 49-117, Idaho Code)

(5) "Vessel." (See section 67-7003, Idaho Code)

(6) "Veteran." (See section 65-502, Idaho Code)

(7) "Violation" means a conviction of a misdemeanor charge involving a moving traffic violation, or an admission or judicial determination of the commission of an infraction involving a moving traffic infraction, except bicycle infractions.

SECTION 6. That Section 49-302, Idaho Code, be, and the same is hereby amended to read as follows:

49-302. WHAT PERSONS ARE EXEMPT FROM LICENSE. The following persons are exempt from licensing if driving privileges are not suspended, canceled, revoked, disqualified, denied or refused:

(1) Any person while driving or operating any farm tractor or implement of husbandry when incidentally operated on a highway.

1 (2) Farmers are exempt from obtaining a class A, B or C driver's license to operate a  
2 commercial motor vehicle which is:

3 (a) Controlled and operated by a farmer, including operation by employees or family  
4 members; and

5 (b) Used to transport either agricultural products, farm machinery, farm supplies, or both,  
6 to or from a farm; and

7 (c) Not used in the operations of a common or contract motor carrier; and

8 (d) Used within one hundred fifty (150) miles of the person's farm.

9 (3) Any person is exempt from obtaining a class A, B or C driver's license for the  
10 operation of commercial motor vehicles which are necessary to the preservation of life or  
11 property or the execution of emergency governmental functions, are equipped with audible and  
12 visual signals, and are not subject to normal traffic regulations.

13 (4) Any person is exempt from obtaining a class A, B or C license to operate a  
14 commercial vehicle which is exclusively used to transport personal possessions or family  
15 members for nonbusiness or recreational purposes.

16 (5) A nonresident who is at least fifteen (15) years of age and who has in his immediate  
17 possession a valid driver's license issued to him in his home state or country may operate a  
18 motor vehicle in Idaho only as a class D operator with driving privileges restricted to daylight  
19 hours only except as provided in section 49-307(9), Idaho Code, and with full privileges at  
20 sixteen (16) years of age, and only if Idaho residency is not established.

21 (6) A nonresident who is at least fifteen (15) years of age and who has in his possession  
22 a valid driver's license with a motorcycle endorsement or who has a valid motorcycle driver's  
23 license issued to him in his home state or country may operate a motorcycle in Idaho with  
24 driving privileges restricted to daylight hours only, and with full privileges at sixteen (16) years  
25 of age.

26 (7) A nonresident who has in his immediate possession a valid commercial driver's  
27 license issued to him in his home state or country may operate a motor vehicle in Idaho.

28 (8) A nonresident on active duty in the armed forces of the United States who has a valid  
29 driver's license issued by his home jurisdiction, and such nonresident's spouse or dependent son  
30 or daughter who has a valid driver's license issued by such person's home jurisdiction.

31 (9) Any active duty military personnel, active duty U.S. coast guard personnel, and  
32 members of the reserves and national guard on active duty including personnel on full-time  
33 national guard duty, personnel on part-time training and national guard military technicians  
34 who as civilians are required to wear military uniforms and are subject to the code of military  
35 justice, are exempt from obtaining a commercial driver's license to operate military vehicles.  
36 This exemption does not apply to U.S. reserve technicians.

37 (10) Any person with a valid driver's license issued in their name is exempt from the  
38 requirement to obtain a motorcycle endorsement on the license when operating a motorcycle  
39 on highways or sections of highways designated for unregistered motorcycle use under section  
40 49-426(3), Idaho Code.

41 (11) Any person under the age of sixteen (16) years when operating an ATV, UTV,  
42 specialty off-highway vehicle or motorbike on roads on federal or state land where the road  
43 is not part of the highway system of the state of Idaho or any political subdivision thereof when  
44 the person is supervised by a licensed adult operator and the road is open for such use.

45 SECTION 7. That Section 49-402, Idaho Code, be, and the same is hereby amended to  
46 read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old .....	\$48.00
Vehicles three (3) and four (4) years old .....	\$36.00
Vehicles five (5) and six (6) years old .....	\$36.00
Vehicles seven (7) and eight (8) years old .....	\$24.00
Vehicles over eight (8) years old .....	\$24.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twenty-four dollars (\$24.00).

(3) For all motorcycles and motor-driven cycles which comply with the federal motor vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars (\$9.00).

(4) For operation of an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike, excluding a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on ~~public lands~~ city, county or highway district roads or highways open to such use, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, specialty off-highway vehicles, motorbikes and motorcycles used for the purposes described in subsection (2) of section 49-426, Idaho Code. Nonresidents shall be allowed to purchase a restricted vehicle license plate and sticker for an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike.

(5) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(6) Registration fees shall not be subject to refund.

(7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be issued on an annual basis by the department.

(8) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E and 49-420G, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

~~(8)~~ (9) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

SECTION 8. That Section 49-426, Idaho Code, be, and the same is hereby amended to read as follows:

49-426. EXEMPTIONS FROM OPERATING FEES. The provisions of this chapter with respect to operating fees shall not apply to:

(1) Motor vehicles owned or leased by the United States, the state, a city, a county, any department thereof, any political subdivision or municipal corporation of the state, any taxing district of the state, any state registered nonprofit subscription fire protection unit, or any organization, whether incorporated or unincorporated, organized for the operation, maintenance, or management of an irrigation project or irrigation works or system or for the purpose of furnishing water to its members or shareholders, but in other respects shall be applicable.

(2) Farm tractors, implements of husbandry, those manufactured homes which qualify for an exemption under the provisions of section 49-422, Idaho Code, road rollers, wheel mounted tar buckets, portable concrete and/or mortar mixers, wheel mounted compressors, tow dollies, portable toilet trailers, street sweepers, and similar devices as determined by the department which are temporarily operated or moved upon the highways need not be registered under the provisions of this chapter, nor shall implements of husbandry be considered towed units under registration of vehicle combinations as defined in section 49-108(2), Idaho Code. In addition, self-propelled wheelchairs, three-wheeled bicycles, wheelchair conveyances, golf

1 carts, lawn mowers, and scooters operated by persons who by reason of physical disability are  
 2 otherwise unable to move about as pedestrians shall be exempt from registration requirements  
 3 under the provisions of this chapter. Motorcycles, motorbikes, utility type vehicles, specialty  
 4 off-highway vehicles and all-terrain vehicles need not be licensed under the provisions of  
 5 this chapter or registered pursuant to the provisions of section 67-7122, Idaho Code, if they  
 6 are being used exclusively in connection with agricultural, horticultural, dairy and livestock  
 7 growing and feeding operations or used exclusively for snow removal purposes. Travel upon  
 8 the public highways shall be limited to travel between farm or ranch locations. Motorcycles,  
 9 motorbikes, utility type vehicles, specialty off-highway vehicles and all-terrain vehicles used for  
 10 this purpose shall meet the emblem requirements of section 49-619, Idaho Code.

11 (3) Any political subdivision of the state of Idaho may, but only after sufficient public  
 12 notice is given and a public hearing held, adopt local ordinances or resolutions designating  
 13 highways or sections of highways under its jurisdiction which are closed to all-terrain vehicles,  
 14 utility type vehicles, specialty off-highway vehicles and motorbikes licensed pursuant to this  
 15 chapter and registered pursuant to section 67-7122, Idaho Code, ~~and those vehicles exempt~~  
 16 ~~from licensing and registration pursuant to subsection (2) of this section.~~ The operation  
 17 of licensed and registered all-terrain vehicles, utility type vehicles, specialty off-highway  
 18 vehicles and motorbikes and those vehicles exempt from licensing and registration pursuant  
 19 to subsection (2) of this section shall not be permitted on controlled access highways. The  
 20 requirements of title 18 and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code, shall apply  
 21 to the operation of any ~~licensed and registered~~ all-terrain vehicle, utility type vehicle, specialty  
 22 off-highway vehicle or motorbike ~~or those vehicles exempt from licensing and registration~~  
 23 ~~pursuant to subsection (2) of this section~~ upon highways ~~that are not closed to such vehicles.~~  
 24 Costs related to the posting of signs on highways or sections of highways that are closed to  
 25 such vehicles, indicating the ordinance, are eligible for reimbursement through the motorbike  
 26 recreation account created in section 67-7126, Idaho Code.

27 (4) The Idaho transportation board may designate sections of state highways over which  
 28 all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes ~~licensed~~  
 29 ~~pursuant to this chapter and registered pursuant to section 67-7122, Idaho Code, and those~~  
 30 ~~vehicles exempt from licensing and registration pursuant to subsection (2) of this section~~ may  
 31 cross. The requirements of title 18, and chapters 2, 3, 6, 8, 12, 13 and 14, title 49, Idaho Code,  
 32 shall apply to the operation of ~~licensed and registered~~ all-terrain vehicles, utility type vehicles,  
 33 specialty off-highway vehicles and motorbikes ~~and those vehicles exempt from licensing and~~  
 34 ~~registration pursuant to subsection (2) of this section~~ when using designated crossings on state  
 35 highways.

36 (5) ~~Subject to the licensing requirement provided for in section 49-402(4), Idaho Code,~~  
 37 ~~a~~ All-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes may  
 38 be used on ~~unpaved~~ highways located on state ~~public~~ lands or federal ~~public~~ lands which are  
 39 not part of the highway system of the state of Idaho, provided the registration requirements of  
 40 section 67-7122, Idaho Code, are met.

41 SECTION 9. That Section 49-456, Idaho Code, be, and the same is hereby amended to  
 42 read as follows:

43 49-456. VIOLATIONS OF REGISTRATION PROVISIONS. It shall be unlawful for  
 44 any person:

(1) To operate or for the owner to permit the operation upon a highway of any motor vehicle, trailer or semitrailer which is not registered and which does not have attached and displayed the license plates assigned to it for the current registration year, subject to the exemptions allowed in sections 49-426, 49-431 and 49-432, Idaho Code.

(2) To operate or for the owner to permit the operation on state and federal ~~public~~ lands or upon highways, or sections of highways, as permitted under section 49-426(3) and (4), Idaho Code, any all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike that does not have a valid and properly displayed restricted license plate issued pursuant to this chapter and attached registration sticker issued pursuant to section 67-7122, Idaho Code, subject to the exemptions allowed in section 49-426(2), Idaho Code.

(3) To display or cause or permit to be displayed, or to have in possession any registration card or license plate knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.

(4) To lend or knowingly permit the use by one not entitled to any registration card or license plate issued to the person so lending or permitting that use.

(5) To fail or refuse to surrender to the department, upon demand, any registration card or license plate which has been suspended, canceled or revoked.

(6) To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate, or knowingly to make a false statement or conceal a material fact or otherwise commit a fraud in any application.

SECTION 10. That Section 49-948, Idaho Code, be, and the same is hereby amended to read as follows:

49-948. RESTRICTIONS AS TO TIRE EQUIPMENT. (1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery.

(2) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the highway.

(3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except as allowed herein. It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and it shall be permissible to use tire chains. Tires with built-in lugs of tungsten carbide or other suitable material, hereinafter called studs, may be used upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, that will not unduly damage the highway. Motor vehicles, trailers and semitrailers with tires having built-in studs are prohibited on public highways between the dates of May 1 and September 30, annually, except as provided in paragraphs (a), (b) and (c) of this subsection:

(a) Fire pumper/tanker trucks and ladder trucks belonging to fire departments and firefighting agencies are exempt from the prohibited dates.

(b) A vehicle may be equipped year-round with tires that have retractable studs if the studs retract pneumatically or mechanically to at or below the wear bar of the tire when not in use and the retractable studs protrude beyond the wear bar of the tire only between October 1 and April 30. Retractable studs may be made of metal or other material and are not subject to the stud weight requirements of subsection (4) of this section.

(c) Special exemptions from the prohibited dates may be granted by the Idaho transportation board if it is found by the board that enhancements to public safety outweigh the increased pavement wear.

(4) Commercial tire retailers shall not sell studded tires with studs exceeding the following weight and protrusion limitations after July 1, 2005. Commercial tire retailers and tire shops shall not manually install studs exceeding the following weight and protrusion limitations after July 1, 2005.

(a) Studs shall not protrude more than six-hundredths (.06) of an inch from the surface of the tire tread when originally installed.

(b) Stud size shall be as recommended by the manufacturer of the tire for the type and size of the tire.

(c) Studs shall individually weigh no more than one and one-half (1.5) grams if the stud is size 14 or less.

(d) Studs shall individually weigh no more than two and three-tenths (2.3) grams if the stud size is 15 or 16.

(e) Studs shall individually weigh no more than three (3) grams if the stud size is 17 or larger.

(5) If the Idaho transportation department determines, at any time, that Lookout Pass or Fourth of July Pass on interstate 90 or Lolo Pass on state highway 12 is of an unsafe condition so as to require chains, as defined in section 49-104, Idaho Code, in addition to pneumatic tires, the Idaho transportation department may establish requirements for the use of chains on all commercial vehicles as defined in section 49-123(2)(c)~~+~~(i) and ~~2~~(ii), Idaho Code, traveling on interstate 90 or state highway 12. If the Idaho transportation department establishes that chains are so required, the Idaho transportation department shall:

(a) Provide multiple advance notices of the chain requirement;

(b) Provide adequate opportunities for pull out;

(c) Provide notification at a point at which the commercial vehicle can safely pull out of the normal flow of traffic, prior to the point at which chains are required; and

(d) In no case post requirements for chains on bare pavement.

(6) Provided that the conditions in subsection (5) of this section are met, the chain requirement shall be met by chaining a minimum of one (1) tire on each side of:

(a) One (1) drive axle, regardless of the number of drive axles; and

(b) One (1) axle at or near the rear of each towed vehicle. Such axle shall not include a variable load suspension axle or an axle of a converter dolly.

(7) Chains as required in subsection (6)(a) and (b) of this section mean "chains" as defined in section 49-104, Idaho Code. Any other traction device differing from chains in construction, material or design but capable of providing traction equal to or exceeding that of chains under similar conditions may be used.

(8) The Idaho transportation department shall place and maintain signs and other traffic control devices on the interstate and state highway passes as designated in subsection (5) of this section that indicate the chain requirements under subsection (6) of this section.

(9) Exempt from the chaining requirements provided for in subsections (5) and (6) of this section are:

(a) Motor vehicles operated by the Idaho transportation department when used in the maintenance of the interstate or state highway system; and

(b) The following:



(i) Motor vehicles employed solely in transporting school children and teachers to or from school or to or from approved school activities, when the motor vehicle is either:

1. Wholly owned and operated by such school; or
2. Leased or contracted by such school and the motor vehicle is not used in furtherance of any other commercial enterprise;

(ii) Motor vehicles controlled and operated by any farmer when used in the transportation of the farmer's farm equipment or in the transportation of supplies to the farmer's farm;

(iii) The transportation of agricultural products including fresh fruits and vegetables, livestock, livestock feed or manure at any time of the year;

(iv) Motor propelled vehicles for the sole purpose of carrying United States mail or property belonging to the United States;

(v) Motor carriers transporting products of the forest at any time of the year, including chip trucks;

(vi) Motor carriers transporting products of the mine including sand, gravel and aggregates thereof, excepting petroleum products; and

(vii) Vehicles properly equipped, designed and customarily used for the transportation of disabled or abandoned vehicles by means of a crane, hoist, tow bar, dolly or roll bed, commonly known as a "wrecker truck" or "tow truck."

SECTION 11. That Section 67-7101, Idaho Code, be, and the same is hereby amended to read as follows:

67-7101. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle (ATV)" means any recreation vehicle with three (3) or more tires, under nine hundred (900) pounds and fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, ~~traveling on low pressure tires of ten (10) psi or less~~, has handlebar steering and a seat designed to be straddled by the operator.

(2) "Board" means the park and recreation board created under authority of section 67-4221, Idaho Code.

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

(4) "Dealer" means any person who engages in the retail sales of or rental of snowmobiles, motorbikes, utility type vehicles, specialty off-highway vehicles or all-terrain vehicles.

(5) "Department" means the Idaho department of parks and recreation.

(6) "Designated parking area" means an area located, constructed, maintained, and signed with the approval of the land manager or owner.

(7) "Director" means the director of the department of parks and recreation.

(8) "Highway." (See section 40-109, Idaho Code, but excepting public roadway as defined in this section)

(9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

(10) "Off-highway vehicle" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in this section.

(11) "Operator" means any person who is in physical control of a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile.

(12) "Owner" means every person holding record title to a motorbike, all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

(13) "Person" means an individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

(14) "Public roadway" means all portions of any highway which are controlled by an authority other than the Idaho transportation department.

(15) "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners.

(16) "Specialty off-highway vehicle" means any vehicle manufactured, designed or constructed exclusively for off-highway operation that does not fit the definition of an all-terrain vehicle, utility type vehicle or motorbike as defined in this section. The vehicle classification provided for in this subsection shall become effective on January 1, 2010.

(17) "Utility type vehicle (UTV)" means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in this section, designed for and capable of travel over designated unpaved roads, traveling on four (4) or more low pressure tires of twenty (20) psi or less, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, ~~or~~ and having a wheelbase of ~~ninety four~~ one hundred ten (94) inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in section 49-110(2), Idaho Code, or vehicles otherwise registered under title 49, Idaho Code.

(18) "Vendor" means any entity authorized by the department to sell recreational registrations.

(19) "Winter recreational parking locations" means designated parking areas established and maintained with funds acquired from the cross-country skiing account.

SECTION 12. That Section 67-7105, Idaho Code, be, and the same is hereby amended to read as follows:

67-7105. GOVERNMENT OWNERSHIP. Certificate of number and registration portions of this chapter shall not apply to snowmobiles, all-terrain vehicles, utility type vehicles, specialty off-highway vehicles and motorbikes owned and operated by the federal government, a state government or a subdivision of it.

SECTION 13. That Section 67-7114, Idaho Code, be, and the same is hereby amended to read as follows:

67-7114. OPERATION UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCE. Any person driving or operating a snowmobile,

motorbike, utility type vehicle, specialty off-highway vehicle or all-terrain vehicle under the influence of alcohol, drugs or any other intoxicating substance on a public roadway or highway, ~~as authorized in this chapter or in section 49-426(3) and (4), Idaho Code,~~ or off road off-highway shall be guilty of a misdemeanor.

SECTION 14. That Section 67-7122, Idaho Code, be, and the same is hereby amended to read as follows:

67-7122. REQUIREMENTS – REGISTRATION – PROCEDURE. (1) On or before January 1 of each year, the owner of any all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in section 67-7101, Idaho Code, or any motorcycle as defined in section 49-114, Idaho Code, used off public highways, on ~~unpaved~~ highways located on state ~~public~~ lands or federal ~~public~~ lands which are not part of the highway system of the state of Idaho or on highways as prescribed in section 49-426(3) and (4), Idaho Code, but excluding those vehicles used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section 49-426(2), Idaho Code, shall register that vehicle ~~with the county assessor or other county motor vehicle office as may be designated by the county assessor~~ at any vendor authorized by the department. Effective January 1, 2010, a fee of ten twelve dollars (\$102.00) shall be charged for each registration, which fee includes a one dollar and fifty cent (\$1.50) fee to be retained by the county assessor vendor and the remainder of which shall be remitted to the department together with a duplicate copy of the application form, noting the number of the registration sticker issued.

(2) At the time of sale from any dealer, eEach motorbike, all-terrain vehicle, specialty off-highway vehicle or utility type vehicle sold to an Idaho resident, but excluding those vehicles to be used exclusively on private land for agricultural use or used exclusively for snow removal purposes as provided in section 49-426(2), Idaho Code, must be registered.

(a) Application blanks and registration stickers shall be supplied by the department and the registration sticker shall be issued to the person making application for registration.

(b) All registration stickers which are issued shall be in force through December 31 of the issued year. All registration stickers shall be renewed by the owner of the all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle in the same manner provided for in the initial securing of the same or with any vendor authorized by the department. A vendor issuing a renewal registration sticker shall retain a one dollar and fifty cent (\$1.50) vendor fee and remit the remainder of the ~~ten twelve~~ dollar (\$102.00) renewal registration sticker fee to the department together with a duplicate copy of the application form, noting the number of the registration sticker issued.

(c) The issued registration sticker shall be placed upon the restricted vehicle license plate of the all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle, or upon the ~~license plate right fork~~ of a vehicle registered pursuant to section 49-402(3), Idaho Code, or of a motorbike if used exclusively off-highway, or upon the rear fender of an all-terrain vehicle, specialty off-highway vehicle or utility type vehicle if used exclusively off-highway. The placement shall be made in such a manner that it is completely visible, does not cover the license plate numbers or letters, if licensed, and shall be kept in a legible condition at all times.

(3) For operation of a motorbike that meets the requirements specified in section 49-114(10), Idaho Code, on the public highways, the vehicle shall also be registered pursuant to the provisions of section 49-402(3), Idaho Code. A motorbike that meets the requirements

specified in section 49-114(10), Idaho Code, and that is registered pursuant to section 49-402(3), Idaho Code, shall not be required to obtain a restricted license plate pursuant to section 49-402(4), Idaho Code. A motorbike, all-terrain vehicle, specialty off-highway vehicle or utility type vehicle operated exclusively off-highway or on highways located on state lands or federal lands which are not part of the highway system of the state of Idaho and that meet the registration requirements specified in this section shall not be required to obtain a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code.

(4) Nonresidents shall be allowed to purchase a restricted vehicle license plate pursuant to section 49-402(4), Idaho Code, and/or a sticker for an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle.

SECTION 15. That Section 67-7124, Idaho Code, be, and the same is hereby amended to read as follows:

67-7124. NONRESIDENT – EXEMPTION. (1) The provisions of section 67-7122, Idaho Code, regarding registration shall not apply to any nonresident owner; provided that if a nonresident owner operates the vehicle for over thirty (30) days within this state he shall be subject to the registration provisions of law the all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike is currently and properly registered in the state of residence. Owners of an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike from states that do not have a registration requirement shall be registered in Idaho under the provisions of section 67-7122, Idaho Code, prior to operation in this state.

(2) Nonresidents with an all-terrain vehicle, utility type vehicle, specialty off-highway vehicle or motorbike registered in another state shall have the same use privileges and responsibilities as a resident of this state with a properly registered vehicle.

SECTION 16. That Section 67-7126, Idaho Code, be, and the same is hereby amended to read as follows:

67-7126. ESTABLISHMENT OF ACCOUNT – DISTRIBUTION OF FEES. There is established in the state treasurer's office an account to be known and designated as the "motorbike recreation account." The ~~ten~~ twelve dollar (\$~~10~~12.00) fee collected for off-highway vehicle registration stickers shall be allocated as follows:

(1) Vendors shall charge and retain one dollar and fifty cents (\$1.50) for a handling fee;

(2) Up to fifteen percent (15%) shall be allotted to the department for administration and for the production of registration stickers, which moneys shall be placed in the motorbike recreation account. The department shall annually publish a report specifically identifying the uses of account moneys;

(3) One dollar (\$1.00) shall be deposited into the off-highway vehicle law enforcement fund. Moneys in said fund shall be paid and used as follows:

(a) Sheriffs of counties with a current or an actively developing off-highway vehicle law enforcement program recognized by the department shall receive moneys from the fund based upon a formula as provided in rule promulgated by the board; and

(b) Moneys from the fund shall be used only for off-highway related law enforcement activities; and

(4) One dollar (\$1.00) shall be allocated to the Idaho department of lands to provide off-highway vehicle opportunities and to repair damage directly related to off-highway vehicle

1 use. The department of lands shall annually publish a report specifically identifying the uses of  
2 moneys allocated pursuant to this subsection; and

3 (5) The remaining funds shall be transmitted to the state treasurer's office for deposit to  
4 the credit of the motorbike recreation account, all such moneys to be transmitted to the state  
5 treasurer on or before the ~~10th~~ tenth day of each month.

6 Payment of fee collected for off-highway vehicle registration shall not impose any additional  
7 liability on the state of Idaho or any of its political subdivisions or upon the employees of the  
8 state and of its political subdivisions, and those entities and persons shall retain the limitations  
9 of liability provided by section 36-1604, Idaho Code, regardless of the use of such fees.

10 SECTION 17. An emergency existing therefor, which emergency is hereby declared to  
11 exist, Sections 1 through 15 of this act shall be in full force and effect on and after passage and  
12 approval. Section 16 of this act shall be in full force and effect on and after January 1, 2010.